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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/037,498      | 01/02/2002  | Robert Allan Unger   | SNY-R4646.05        | 6276             |

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MILLER PATENT SERVICES  
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EXAMINER

SHIFERAW, ELENI A

ART UNIT PAPER NUMBER

2136

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                              |  |
|------------------------------|-------------------------------|------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/037,498 | Applicant(s)<br>UNGER ET AL. |  |
|                              | Examiner<br>Eleni A. Shiferaw | Art Unit<br>2136             |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-25, 27-31 and 33-81 is/are pending in the application.  
     4a) Of the above claim(s) 4, 5, 26, 32 and 82-86 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-25, 27-31 and 33-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/28/05, 11/14/05</u> | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 16, 2005 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6-17, 19-25, 27-29, 31, 33-37, 39-42, and 45-81 are rejected under 35 U.S.C. 102(e) as being anticipated by Carny et al. (Herein after Carny, US 2002/0150239 A1).

Regarding claims 1-3, 6, 12-14, 17, 25, 27, and 34-35, Carny discloses a method/receiver device/content player of decrypting a partially multiple encrypted digital television program, comprising:

receiving a message identifying a primary packet identifier (PID) for a television program and a secondary PID for the television program (par. 0053-0054);

receiving multiple selectively/partially encrypted digital audio/video data in which a primary packet identifier identifies unencrypted packets of digital audio/video data as well as selected packets of digital video data that are encrypted under a first encryption method, and wherein the digital video data further comprised a duplicate of the selected packets of digital video data that are encrypted under a second encryption method and identified by a secondary packet identifier (par. 0053-0054);

identifying the digital television program by unencrypted packets of digital audio/video data associated with the primary packet identifier and encrypted packets of digital video data associated with the secondary packet identifier (claim 12, and claim 18);

decrypting packets of digital audio/video data having the secondary packet identifier in order to provide a fully unencrypted digital television program (par. 0019, and 0023); and

decoding and combining the decrypted packets of audio/video data with unencrypted packets of audio/video data having the primary packet identifier to form a data stream representing the television program (par. 0062-0064, 0054-0055, and claim 12).

Regarding claims 49, 52-53, 55, 58-59, 61, 63-66, 68, 71-74, 76, and 80-81 Carny discloses a circuit/method that processes an input stream of audio/video visual data packets, comprising:

input means for receiving an input stream of audio visual data packets (0050), the input stream of packets comprising:

unencrypted packets of audio/video data having a first packet identifier (0053-0055),

encrypted packets of audio/video data having the first packet identifier (0053-0055),

encrypted packets of data having a second packet identifier (claim 1 lines 7-8),

wherein the encrypted packets of audio/video data having the first and second packet identifiers represent identical data when unencrypted (claim 1 lines 4-6);

packet identifier reading means for reading the packet identifiers of the packets of audio/video data in the input stream of packets, and for discarding the encrypted packets of audio/video data having the first packet identifier (claim 8, 0054, and 0059);

packet identifier re-mapping means for re-mapping the second packet identifier to the first packet identifier to produce re-mapped packets of audio/video data (par. 0054, and 0020-0021; encrypted portions are inserted back to the plain text of the audio/video data); and

multiplexer means for multiplexing the re-mapped packets of audio/video data with the unencrypted packets of audio/video data having the first packet identifier to produce an output stream of audio visual data packets (par. 0018, 0054).

Regarding claim 7, Carny discloses the method, further comprising decoding the decrypted packets of data and the packets of data having the primary PID (par. 0062-0064, 0054-0055, and claim 12).

Regarding claim 8, Carny discloses the method, further comprising mapping the decrypted packets of data to the primary PID (par. 0019, and 0023).

Regarding claim 9, Carny discloses the method, wherein the mapping is carried out in an integrated circuit device (abstract).

Regarding claim 10, Carny discloses the method, wherein the mapping is carried out in one of an application specific integrated circuit device, a programmable logic device, and a field programmable gate array (claim 15).

Regarding claims 11, 16, 28, 29, and 36 Carny discloses the method, the method wherein packets of data having the primary PID comprise unencrypted packets of data and encrypted packets of data and further comprising:

discarding the encrypted packets of audio/video data having the primary PID (claim 8, 0054, and 0059).

Regarding claim 15, Carny discloses the method, further comprising decoding the decrypted packets of digital video data having the secondary packet identifier along with decrypted packets of digital video data having the primary packet identifier to decode the partially encrypted digital television program (par. 0049, 0062-0064, 0054-0055, and claim 12).

Regarding claims 19, 31, and 39-40, Carny discloses the method/apparatus wherein encrypted packets further comprise digital audio/video data packets (0047).

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Regarding claims 20, 33, and 41, Carny discloses the method/apparatus wherein the encrypted packets of digital audio/video data comprise time sliced samples of the television program (0060).

Regarding claims 21, and 22, Carny discloses the method wherein the television program is compressed and wherein the encrypted packets of digital video data comprise packets containing information used for decode and decompression of the television program (0018, 0036, and claim 8).

Regarding claim 23 Carny discloses the method wherein the encrypted packets of digital video data comprise N packets out of every M packets where N is less than M (fig. 1 element 130 and 140).

Regarding claim 24, Carny discloses the method further comprising remapping packets of digital video data having the secondary packet identifier to have the primary packet identifier (0054-0055).

Regarding claims 37, 50, 56, 62, 70, and 78, Carny discloses the apparatus wherein certain of the packets of audiovisual data associated with the primary packet identifier are encrypted according to a first encryption method, and wherein the packets of audio visual data having a secondary packet identifier are encrypted according to a second encryption method (claim 15).

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Regarding claim 42, Carny discloses the apparatus wherein content player comprises one of a television device, a PDA, a music player and a personal computer (0047).

Regarding claim 45, Carny discloses the apparatus wherein the unencrypted packets and pairs of dual encrypted packets comprise transport stream packets (0063-0064).

Regarding claim 47, Carny discloses the apparatus wherein the first packet of each pair of encrypted packets and unencrypted packets are identified by a primary packet identifier, and the second packet of each pair of encrypted packets is identified by a secondary packet identifier (0019).

Regarding claim 48, Carny discloses the apparatus wherein the unencrypted packets and the second packet of each pair of encrypted packets are identified by a primary packet identifier, and wherein the first packet of each pair of encrypted packets are identifier by a secondary packet identifier (0023).

Regarding claims 51, 57, and 79, Carny discloses the apparatus/method further comprising an MPEG decoder receiving the output stream audio/video of packets (0063-0064).

Regarding claims 54, 60, 64, 67, and 75, Carny discloses the apparatus/method further comprising a demultiplexer that demultiplexes the output stream of packets based upon the packet identifiers (0064).



Regarding claims 69 and 77, Carny discloses the method/apparatus further comprising multiplexing the packets of audio visual data that have not been discarded with each other to produce an output stream of packets of audio visual data (0018, and 0020).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18, 30, 38, 43-44, and 46 rejected under 35 U.S.C. 103(a) as being unpatentable over Carny et al. (Herein after Carny, US 2002/0150239 A1) in view of Kutner et al. (Kutner, US 6,246,720 B1).

Regarding claims 43-44, and 46 Carny discloses a digital television set-top box that processes a television signal, comprising:

a receiver that receives (0008, and 0055):

a plurality of unencrypted packets of data (par. 0053 and fig. 2b); and

a plurality of pairs of dual encrypted packets of data, wherein a first packet of each pair of encrypted packets of data is encrypted under a first encryption algorithm and a second packet of each pair of encrypted packets of data is encrypted under a second

encryption algorithm and wherein a television signal is comprised of both the unencrypted and one of each pair of encrypted packets of data (claim 1); wherein the first and second packet of each pair of encrypted packets of data represent identical data when unencrypted (claims 15 lines 4-6); a decrypter that decrypts one of each pair of the encrypted packets of data (par. 0019, and 0023); and a decoder that decodes the decrypted packets of data and the unencrypted packet of data to produce the processed television signal (par. 0062-0064, 0054-0055, and claim 12).

Carny fails to explicitly teach elementary stream and/or system information packets of data.

However Kutner teaches the well known System Information (SI) and/or Elementary Stream (ES) of compressed audio/video content (col. 6 lines 19-42).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to employ the teachings of Kutner within the system of Carny because they are analogous in audio/video broadcast television information. One would have been motivated to incorporate the teachings of compressed SI and/or ES data within the teachings of Carny because it would have information for segmented digital contents according to MPEG-2 standard (col. 6 lines 19-42). The rationale for combining are the same as claim 43 above.

Regarding claims 18, 30, and 38, Carny disclose the method/apparatus wherein the encrypted packets of digital audio/video data comprise transport stream packets carrying an MPEG packetized elementary stream (PES) header as a portion of a payload thereof.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867.


The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.S.

November 21, 2005

  
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